

THIS AMENDED RULE WAS APPROVED BY THE UTAH STATE BOARD OF EDUCATION AND IS SCHEDULED TO BE PUBLISHED IN THE MARCH 1, 2009 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF APRIL 7, 2009.

**R277. Education, Administration.**

**R277-600. Student Transportation Standards and Procedures.**

**R277-600-1. Definitions.**

[G]A. "ADA" means average daily attendance.

[H]B. "ADM" means average daily membership.

C. "AFR" means a school district's annual financial report, one component of which is the AFR for all pupil transportation costs.

[E]D. "[~~Adjusted/a~~]Approved costs" means the Board approved costs of transporting eligible students from home to school to home once each day, [~~required deadhead miles,~~] after-school routes, approved routes for students with disabilities and vocational students attending school outside their regularly assigned attendance boundary, and a [~~prorated~~] portion of the bus purchase prices [~~less salvage value~~]. All approved costs are adjusted by the USOE consistent with a Board-approved formula per the annual legislative transportation appropriation.

E. "APR" means the school district's annual program report, one component of which is for approved to and from school pupil transportation costs.

[A]F. "Board" means the Utah State Board of Education.

[D]G. "Bus route miles" means operating a bus with passengers.

[E]H. "Deadhead" means operating a bus when no passengers are on board.

[F. "Office" means the Utah State Office of Education.]

[B. "Density" means the number of eligible students divided by the approved total bus route miles plus half of the deadhead miles.]

I. "Hazardous" means danger or potential danger which may result in injury or death.

J. "IDEA" means the Individuals with Disabilities Education Act, Title 1, Part A, Section 602.

[E]K. "IEP" (individualized education program) [<sup>L</sup>] means a written statement for a student with a disability that is developed and implemented under CFR Sections 300.340 through 300.347. The IEP serves as a communication vehicle between parents and school personnel and enables them as equal participants to decide jointly what the student's needs are, what services shall be provided to meet those needs, what the anticipated outcomes may be, and how the student's progress toward meeting the projected outcomes shall be evaluated.

L. "Local board" means the local school board of education.

[F]M. "M.P.V." means multipurpose passenger vehicle: any motor vehicle with less than 10 passenger positions, including the driver, which cannot be certified as a bus.

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[K]N. "Out-of-pocket expense" means gasoline, oil, and tire expenses.

O. "USOE" means the Utah State Office of Education.

## **R277-600-2. Authority and Purpose.**

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public schools in the Board, by Section 53A-1-402(1)(~~e~~)d which directs the Board to establish rules for bus routes, bus safety and other transportation needs and by Section 53A-17a-126 and 127 which provides for distribution of funds for transportation of public school students and standards for eligibility.

B. The purpose of this rule is to specify the standards under which school districts may qualify for state transportation funds.

## **R277-600-3. General Provisions.**

A. State transportation funds are used to reimburse school districts for the ~~[direct—]costs [of]~~reasonably related to transporting students to and from school. The Board defines the limits of school district transportation costs reimbursable by state funds in a manner that encourages safety, economy, and efficiency.

B. Allowable transportation costs are divided into two categories. Expenditures for regular bus routes established by the school district, and ~~[appropriated]~~approved by the state, are ~~[termed—]~~A category costs. Other methods of transporting students to and from school are ~~[termed—]~~B category costs. The Board devises~~[-and distributes]~~ a formula to determine the reimbursement rate for A category costs consistent with Section 53A-17a-127(3). ~~[The formula factors are density and adjusted/approved costs.]~~ B category costs are approved on a line-by-line basis by the ~~[Office]~~USOE after comparing the costs submitted by a school district with the costs of alternative methods of performing the designated function(s) and subject to adjustment per legislative appropriation.

C. The ~~[Office]~~USOE shall develop a uniform accounting procedure for the financial reporting of transportation costs. The procedure shall specify the methods used to calculate allowable transportation costs. The ~~[Office]~~USOE shall also develop uniform forms for the administration of the program.

D. All student transportation costs are recorded. Accurate mileage, minute, and trip records are kept by program. Records and financial worksheets shall be maintained during the fiscal year for audit purposes.

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**R277-600-4. Eligibility.**

A. State transportation funds shall be used only for transporting eligible students.

B. Transportation ~~[E]~~ eligibility for elementary students (K-6) and secondary students (7-12) ~~[, including seventh and eighth grade students,]~~ is determined in accordance with the mileage from home specified in Section 53A-17a-127(1) and (2) to the school attended ~~[upon]~~ by assignment of the local board.

C. ~~[A student who falls under the school finance law definition of student with disabilities, regardless of distance from the school attended upon assignment of the local board, is eligible, if transportation is identified as a needed service in the IEP.]~~ A student whose IEP identifies transportation as a necessary service is eligible for transportation regardless of distance from the school attended by assignment of the local board.

D. Students who attend school for at least one-half day at ~~[an alternate]~~ locations other than their designated public school are ~~[expected to walk]~~ responsible for their own transportation to and from school for distances up to 1 and one half miles.

E. A school district that implements double sessions as an alternative to new building construction may transport, one-way to or from school, with Board approval, affected elementary students residing less than one and one-half miles from school, if the local board determines the transportation would improve safety affected by darkness or other hazardous conditions.

F. The distance from home to school is determined as follows: From the center of the public route (road, thoroughfare, walkway, or highway) open to public use, opposite the regular entrance of the one where the pupil is living, over the nearest public route (thoroughfare, road, walkway, or highway) open regularly for use by the public, to the center of the public route (thoroughfare, road, walkway, or highway) open to public use, opposite the nearest public entrance to the school grounds which the student is attending.

**R277-600-5. Student with Disabilities Transportation.**

A. Students with disabilities are transported on regular buses and regular routes whenever possible. School ~~[D]~~ districts may request approval, prior to providing transportation, for reimbursement for transporting students with disabilities who cannot be safely transported on regular school bus runs.

B. School ~~[D]~~ districts may be reimbursed for the costs of transporting or for alternative transportation for students with disabilities whose severity of disability, or combination of disabilities, necessitates special transportation.

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C. Transportation is provided by the Utah Schools for the Deaf and the Blind for students who are transported to its ~~[extension]~~self-contained classes. Exceptions may be approved by the ~~[Office]~~USOE.

#### **R277-600-6. Requirements for Bus Route Approval.**

A. Transportation is over routes proposed by local boards and approved by the ~~[Office]~~USOE. Information requested by the ~~[Office]~~USOE ~~[must]~~shall be provided prior to approval of a route. A route usually is not approved for reimbursement if an equitable student transportation allowance or a subsistence allowance accomplishes the needed transportation at less cost. A route ~~[must]~~shall:

- (1) traverse the most direct public route;
- (2) be reasonably cost effective related to other feasible alternatives;
- (3) provide adequate safety;
- (4) traverse roads that are constructed and maintained in a manner that does not cause property damage; and
- (5) include an economically adequate number of students.

B. The minimum number of general education students required to establish a route is ten; the minimum number of students with disabilities is five. A route may be established for fewer students upon special permission of the State Superintendent.

C. The ~~[local]~~school district designates safe areas for bus stops.

(1) To promote efficiency, the USOE approved minimum distance between bus stops is 3/10 of a mile. The USOE may approve shorter distances between bus stops for student safety.

(2) Bus routes shall avoid, whenever possible, bus stops on dead-end roads.

(3) ~~[A-s]~~Students ~~[is expected to walk]~~are responsible for their own transportation to bus stops up to one and one-half miles from home~~[-depending on the age and ability of the student].~~

(4) Special education students are ~~[expected to walk]~~responsible for their own transportation to bus stops ~~[commensurate]~~consistent with their ~~[ability]~~IEPs.

D. Changes made by school districts in existing routes or the addition of new routes ~~[must]~~shall be reported to the ~~[Office]~~USOE as they occur~~[-for approval].~~

~~[E. Early home routes do not qualify for state reimbursement unless approved by the Office prior to initiation.]~~

~~[F]~~E. Transporting eligible students home after school activities held at the student~~[+]~~s' school of regular attendance and within a reasonable time period after the close of the regular

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school day is approved route mileage.

G. A route may be approved as an alternative to building construction upon special permission of the ~~[Office]~~USOE if the route is needed to allow more efficient school district use of school facilities. Building construction alternatives include elementary double sessions, year-round school, and attendance across school district boundaries.

~~[R277-600-7. Approved Deadhead Mileage.~~

~~Deadhead mileage included in adjusted/approved costs is calculated as follows:~~

~~A. Deadhead mileage to and from school: mileage from the garage or bus storage area to the first pickup point, mileage between schools for other bus runs, and mileage from the last run in the morning and evening from the last stop to the garage or storage area.~~

~~B. Other deadhead mileage: mileage due to bus driver training and driving to service or repair sites.]~~

**R277-600-[8]7. Alternative Transportation.**

Bus routes that involve a large number of deadhead miles are analyzed for reduction or to determine if an alternative method of transporting students is more efficient. Approved alternatives include the following:

A. The costs incurred in transporting eligible pupils in a school district M.P.V. ~~[is not an adjusted/approved expense]~~are approved costs as long as the costs demonstrate efficiency.

B(1) The costs incurred in paying eligible students an allowance in lieu of school district-supplied transportation ~~[is]~~are an ~~[adjusted/]~~approved ~~[expense]~~cost. A student is reimbursed for the mileage to the bus stop or school, whichever is closer, nearest the student's home~~[-and for reasonable and necessary out-of-pocket costs associated with student transportation]~~. The allowance shall not be less than the standard mileage rate deduction permitted by the United States Internal Revenue Service for charitable contributions, nor greater than the reimbursement allowance permitted by the Utah Department of Administrative Services for use of privately owned vehicles set forth in the Utah Travel Regulations~~[-The trip mileage is paid for by car, one per family];~~

(2) a student allowance is made to the student and not to the parent for transporting one's own child or other students. This does not restrict parents from pooling resources, but it does restrict payments in excess of out-of-pocket costs;

(3) if a student or the student's parent is unable to provide

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private transportation, with prior state approval, an amount equivalent to the student allowance is ~~[paid]~~payable to the school district to help pay the costs of school district transportation;

(4) the student's mileage shall be measured and certified in school district records. The student's ADA, as entered in school records, is used to determine the student's attendance.

C(1) ~~[t]~~The cost incurred in providing a subsistence allowance is an ~~[adjusted/]~~approved [expense]cost. A parent is reimbursed for a student's room and board when a student lives at a site nearer to the assigned school, if the student does not have a school facility or bus service available within approximately 60 miles of the student's residence. Payment shall not exceed the Substitute Care Rate for Family Services for the current fiscal year. Adjustments for changes made in the rate during the year are included in the allowance. In addition to the reimbursement for room and board, the subsistence allowance includes the costs of two round trips per year.~~[—The costs are calculated on the basis of actual mileage traversed from home to school at the rate prescribed in R277-600-8B(1);]~~

(2) ~~[a]~~A subsistence allowance is not applicable to a parent who maintains a separate home during the school year for the ~~[purpose of closer location to a school]~~convenience of the family. ~~[The]~~A parent's residence during the school year is the residence of the child~~[r]~~.

#### D. Contracting or leasing for pupil transportation

(1) The cost incurred in engaging in a contract or leasing for transportation is an ~~[adjusted/]~~approved [expense]cost at the prorated amount available to school districts.~~[—The amount reimbursed to districts using commercial contracts is determined in accordance with transportation costs per pupil in comparable districts.]~~

(2) Reimbursements for school districts using a leasing arrangement are determined in accordance with the comparable cost for the school district to operate its own transportation.

(3) Under a contract or lease, the school district's transportation administrator's time shall not exceed ~~[1%]~~one percent of the commercial contract cost.

(4) Eligible student counts, bus route mileage, bus route minutes, and bus inventory data are required as if the school district operated its own transportation.

#### **R277-600-[9]8. Other Reimbursable Expenses.**

State transportation funds at the USOE determined prorated amount may be used to reimburse a school district for the following costs:

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A. Salaries of clerks, secretaries, trainers, drivers, a supervisor, mechanics and other personnel necessary to operate the transportation program.

(1) a full time supervisor may be paid at the same rate as other professional directors in the school district. The supervisor's salary ~~[must]~~ shall be commensurate with the number of buses, number of eligible students transported, and total responsibility relative to other school district supervisory functions. A school district may claim a percentage of the school district superintendent's or ~~[clerk's]~~ other supervisor's salary for reimbursement if the school district's eligibility count is less than 600 and a verifiable record of administrative time spent in the transportation operation is kept;

(2) The wage time for bus drivers includes ~~[+]~~ to and from school time: ten minute pre-trip inspection, actual driving time, ten minute post-trip inspection and bus cleanup, and 10 minute bus servicing and fueling ~~[+]~~

~~— (b) field trip time: set at a minimum of two hours driving time;~~

~~— (c) activity trip time: wage time allowed under R277-600-9A(2) (a) plus a reduced amount for layover time].~~

B. ~~[Transportation employee benefits.]~~ Only a proportionate amount ~~[is allowed for health, accident, and life insurance]~~ of a superintendent's or supervisor's employee benefits (health, accident, life insurance) may be paid from the school district's transportation fund.

C. Purchased property services;

D. Property, comprehensive, and liability insurance.

E. Communication expenses and travel for supervisors to workshops or the national convention.

F. Supplies and materials for vehicles, the school district transportation office and the garage.

G. Depreciation: The ~~[Office]~~ USOE computes an annual formula ~~[annually to calculate]~~ for school bus depreciation.

H. Training expenses ~~[: The following maximum amounts are reimbursable for the driver's training stipend for each type of training a bus driver successfully completes:~~

~~— (1) basic course, 24 hours: \$135;~~

~~— (2) in-service, 8 hours: \$50;~~

~~— (3) defensive driving, 8 hours: \$50;~~

~~— (4) first aid and emergency care, 8 hours: \$50]~~ to complete bus driver instruction and certification required by the Board.

I. Other related costs approved by the ~~[Office]~~ USOE which may include additional bus driver training.

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**R277-600-[10]9. Non-reimbursable Expenses.**

A. AFR for all pupil transportation costs shall only include pupil transportation costs and other school district expenditures directly related to pupil transportation.

~~[A]~~B. Expenditures for uses of school district buses and equipment which are not ~~[adjusted/]~~approved APR to and from school pupil transportation costs ~~[must]~~shall be deleted when ~~[adjusted/approved]~~ transportation costs are calculated. Bus and equipment costs ~~[must]~~shall be reduced on a pro rata basis for the miles not connected with ~~[adjusted/]~~approved costs.

~~[B]~~C. Expenses determined by the ~~[Office]~~USOE to be not directly related to transportation of eligible students to and from school are not reimbursable.

**R277-600-1[1]0. Special Transportation Levy.**

A. Costs for school district transportation of students which are not reimbursable may be paid for from general funds of the school district or from the proceeds of a tax rate authorized for school districts. The tax rate authorized for transportation may not exceed .0003 tax rate. The revenue may be used:

- (1) to transport ineligible students to and from school;
- (2) for transportation to interscholastic activities;
- (3) for transportation to night activities;~~[-and]~~
- (4) for field trips~~[-admissions.];~~ and
- (5) for the replacement of school buses.

B. Transportation of students in areas where walking constitutes a hazardous condition, as determined by the local board, may be provided ~~[by the Board]~~from general funds from the school district or from the tax specified in ~~[Subsection 11(A)]~~R277-600-10A. ~~[An area is determined to be h]~~Hazardous ~~[on the basis of]~~areas shall be determined by an analysis of the following factors:

- (1) volume, type, and speed of vehicular traffic;
- (2) age and condition of students traversing the area;
- (3) condition of the roadway, sidewalks and applicable means of access in the area; and
- (4) environmental conditions.

C(1) The cost of school bus operation for activity trips, field trips, and for the transportation of students to alleviate hazardous walking conditions may be met with state funds appropriated under Section 53A-17a-127(~~[7]~~6) only to the extent of funds available to individual school districts for the specific purposes of Section 53A-17a-127(6)(b).

(2) Appropriated funds under Section 53A-17a-127(~~[7]~~6) shall be distributed according to each school district's proportional



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share of its qualifying state contribution as defined under Section R277-600-1[1]0B(3) for activity, field trip, and hazardous route mileage.

(3) The qualifying state contribution for school districts shall be the difference between 85 percent of the average state cost per qualifying mile multiplied by the number of qualifying miles and the current funds raised per school district by a transportation levy of .0002.

**R277-600-1[2]1. Exceptions.**

A. When undue hardships and inequities are created through exact application of these standards, school districts may ~~[make a ]request [for]~~an exception to these rules from the State Superintendent on individual cases. Such hardships or inequities may include written evidence demonstrating that no significant increased costs (less than one percent of a school district's transportation budget) is incurred due to a waiver or that students cannot be provided services consistent with the law due to transportation restrictions. The State Superintendent may consult with the Pupil Transportation Advisory Committee, designated in Section 53A-17a-127(5), in considering the exemption.

B(1) a school district shall not be penalized in the computation of its state allocation for the presence on an approved to and from school route of an ineligible student who does not create an appreciable increase in the cost of the route;

(2) there is an appreciable increase in cost if, because of the presence of ineligible students, any of the following occurs:

- (a) another route is required;
- (b) a larger or additional bus is required;
- (c) a route's mileage is increased;
- (d) the number of pick-up points below the mileage limits for eligible students exceeds one;
- (e) significant additional time is required to complete a route.

(3) ineligible students may ride buses on a space available basis. An eligible student may not be displaced or required to stand in order to make room for an ineligible student.

**KEY: school buses, school transportation**

**Date of Enactment or Last Substantive Amendment: [~~September 15, 1999~~2009]**

**Notice of Continuation: January 8, 2008**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1) ([~~e~~]d); 53A-17a-126 and 127**